

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on November 17, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 9], filed on September 18, 2012, recommended that the Petition be dismissed with prejudice for lack of subject matter jurisdiction. The parties were allowed fourteen (14) days from the date of service to file objections. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10<sup>th</sup> day of October, 2012;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DISMISSED with prejudice for lack of subject matter jurisdiction.

The Report and Recommendation [ECF No. 9] of Magistrate Judge Baxter, filed on September 18, 2012, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge